



# **The Commonwealth of Massachusetts**

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## **DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

TO: Service Lists D.T.E. 03-60, 04-73, 03-59 (*via E-Mail and Regular Mail*)

FROM: Jesse S. Reyes, Hearing Officer

RE: Request for Comments re Section 271 Tariffing

DATE: April 12, 2005

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In the Massachusetts Department of Telecommunications and Energy's ("Department") *Consolidated Order* in D.T.E. 03-60/D.T.E. 04-73, at 57, 71 (Dec. 15, 2004), the Department directed Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") to file replacement tariffs "[w]here Verizon ceases to offer UNEs at TELRIC under M.D.T.E. No. 17, but where Verizon continues to offer such network elements (however the rates for services may be or may come to be calculated) . . . ."

On January 4, 2005, Verizon responded that it "intends to offer enterprise switching and other Section 271 arrangements in the state solely through individually-negotiated contracts based on the particular circumstances, needs and requirements of the carrier customers."<sup>1</sup> Verizon noted that the Department has held that "[w]here the service is offered through individually- negotiated contracts, and no uniform common carriage rate is made generally available, then no obligation to file a uniform tariff may arise."<sup>2</sup>

On March 31, 2005, Verizon responded to several questions issued by the Department regarding the manner in which Verizon intended to offer Section 271 arrangements through commercial agreements. *See* Attachment A. The Department seeks comments from all interested parties on the following issue:

*Whether the manner in which Verizon proposes to offer  
Section 271 arrangements through negotiated agreements based  
on the particular needs of individual CLECs, as described by*

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<sup>1</sup> Letter from Bruce P. Beausejour, Vice President and General Counsel, Verizon, to Mary L. Cottrell, Secretary, Department of Telecommunications and Energy (Jan. 4, 2005).

<sup>2</sup> *Enterprise Switching Investigation*, D.T.E. 03-59-B at 9 (Dec. 15, 2005).

*Verizon's March 31, 2005 letter, constitutes "common carriage" pursuant to G.L. c. 159, §§ 12 and 19?*

Please attach all necessary supporting documentation to your response. Responses are due on **Wednesday, May 4, 2005**.